

NOTICE OF EMERGENCY RULE REPEAL AND PROMULGATION

AGENCY: Department of Marine Resources

STATUTORY AUTHORITY: 12 M.R.S.A. Sections 6172 and 6192

RULE REPEAL AND PROMULGATION: DMR Regulation 95.09 O, Closed Area No. 58, Lubec and South Lubec, promulgated on December 12, 1989, is repealed and replaced with the following rule:

TEXT OF RULE: DMR Regulation 95.09 O, Closed Area No. 58, Lubec and South Lubec.

1. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats and waters of the Town of Lubec, Washington County, from the following two areas:
 - a. That area enclosed by the highest tide mark on Lubec Neck and a line beginning at the most northern tip of Diamond Point (so-called) and running northeasterly to the northern tip of Popes Folly; then running true east to the Canadian - U.S. Boundary; then following the boundary southerly to a point true east of the lighthouse located between Woodward Point, Lubec, and Cranberry Point, Campobello; then running true west to said lighthouse; then running northwesterly to a red post located on the southeast shore of Lubec Neck (about 2,000 feet southwest of Mowry Point).
 - b. Those shores and flats of the small cove which begins at South Lubec and opens into flats where West Quoddy Head joins the mainland. This closed area (cove) lies northerly and westerly of a line that begins at a red post located on the north shore of West Quoddy Head (about 100 yards north of where the Carrying Place Cove Road joins the West Quoddy Head Road) and runs northerly about 200 yards to the southernmost point of the peninsula that forms the eastern shore of the cove.

Violation of any provision of this regulation shall be a Class D Crime (12 M.R.S.A. Section 6204).

EFFECTIVE DATE: August 26, 1992

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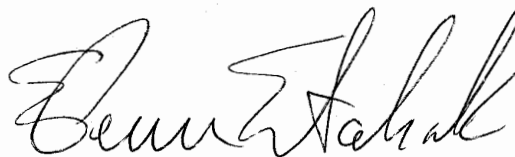
BANGOR DAILY NEWS
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STATEMENT OF FACT AND POLICY

The Commissioner of the Maine Department of Marine Resources repeals the emergency DMR Regulation 95.09 O, Closed Area No. 58, Lubec and South Lubec, promulgated December 12, 1989, and replaces it with a new regulation. This new regulation opens a portion of the southern Lubec Neck Flat bounded by the mainland and Lubec Neck shoreline and a line drawn in a northeasterly direction from Woodward Point to the lighthouse (between Woodward Point and Cranberry Point, Campobello) and then drawn northwesterly to a red post located on the Lubec shore about 2,000 feet southwest of Mowry Point. This last line will have stakes positioned on it between the red post on the shore and the lighthouse.

Department personnel have sampled and surveyed the newly opened area and have determined that microbiological pollution levels are low enough to permit shellfish harvest without threat to the public health.

For the newly described closed area (a) and closed area (b), pollution levels are such that harvest is prohibited to protect the public health.



E. PENN ESTABROOK
Deputy Commissioner

